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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,601	05/26/2000	Teruto Hirota	2000 0660A	8334

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EXAMINER

VAUGHAN, MICHAEL R

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 04/07/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,601

Applicant(s)

HIROTA ET AL.

Examiner

Michael R Vaughan

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

Claims 1-20 have been canceled. Claims 21-25 have been added and are pending.

Drawings

The drawing proposals have been considered and are accepted. Formal drawing submission is still required.

Response to Arguments

Applicant's arguments with respect to claims 21-25 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kihara et al (GB 2,351,819 A) in view of Ando et al (USP 6,658,200).

As per claim 21, Kihara teaches a semiconductor memory card comprising: a plurality of audio objects composing an audio track (page 4, line 10); and a plurality of pieces of management information in a one-to-one relation with the audio objects, (page 35, lines 1-15) wherein each piece of management information includes attribute information (page 37, lines 1-10), wherein each piece of attribute information shows that a corresponding audio object is (a) an entire audio track. (b) a first part of an audio track, (c) a middle part of an audio track, or (d) an end part of an audio track, and wherein each audio object is restricted to such a playback time that a number of pieces of entry information for a corresponding audio object does not exceed a predetermined number (pages 37-52).

Kihara et al are silent in expressly disclosing each piece of management information includes a time search map wherein each time search map includes a plurality of pieces of entry information showing internal positions within a corresponding audio object at predetermined intervals. Ando et al teach each piece of management information includes a time search map (column 5, lines 1-25) wherein each time search map includes a plurality of pieces of entry information showing internal positions within a corresponding audio object at predetermined intervals (column 5, lines 1-25 and column 8, lines 43-65). Ando et al teach that the audio files are addressable via a time interval

and not just via audio segments. This allows the user to input or select where in the audio track he/she wants to play from. This feature would be advantageous to Kihara et al's system in which audio that is to be previewed before purchasing because the user could then specify what time interval of the audio song he/she wishes to hear. In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching Ando et al of within the system of Kihara et al because it would provide a more flexible previewing of audio material.

As per claim 22, Kihara teaches a playback apparatus for a semiconductor memory card having recorded thereon a plurality of audio objects composing an audio track in one-to-one relation with a plurality of pieces of management information, said playback apparatus comprising: a memory (Figure 1, element 40); a reading unit operable to read from the semiconductor memory card into said memory, a piece of management information corresponding, to one audio object (Figure 1, element 30); a playback unit operable to play back the audio object according to standard playback or intermittent playback (Figure 1, element 18 and page 3, lines 1-10); and a control unit operable to control, when, playback of the audio object has finished, said reading unit to read into said memory, a piece of management information of an audio object to be played back next (page 16), wherein each piece of management information includes a name and attribute information, wherein attribute information shows that a corresponding audio object is (a) an entire audio track, (b) a first part of an audio track, (c) a middle part of an audio track, or (d) an end part of an audio track (pages 37-52), and wherein

when playing back the audio object according to intermittent playback that is a mode where (i) playback the audio object for a first period and (ii) skipping the audio object for a second period, are repeated, said playback unit specifies an address of an internal position from which playback after a skip is to start, with reference to the time search map having read into said memory (page 3, lines 1-10).

Kihara et al are silent in expressly disclosing each piece of management information includes a time search map wherein each time search map includes a plurality of pieces of entry information showing internal positions within a corresponding audio object at predetermined intervals. Ando et al teach each piece of management information includes a time search map (column 5, lines 1-25) wherein each time search map includes a plurality of pieces of entry information showing internal positions within a corresponding audio object at predetermined intervals (column 5, lines 1-25 and column 8, lines 43-65). Ando et al teach that the audio files are addressable via a time interval and not just via audio segments. This allows the user to input or select where in the audio track he/she wants to play from. This feature would be advantageous to Kihara et al's system in which audio that is to be previewed before purchasing because the user could then specify what time interval of the audio song he/she wishes to hear. In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching Ando et al of within the system of Kihara et al because it would provide a more flexible previewing of audio material.

As per claim 23, Kihara et al teach a recording apparatus for recording a plurality of audio objects composing an audio track onto a semiconductor memory card, said recording apparatus comprising: an encoder operable to successively encode input signals received from outside said recording apparatus to generate audio frames (Figure 1, element 12); a generating unit operable to generate, whenever said encoder has generated a predetermined number of audio frames, a piece of entry information showing a start position of the successively generated audio frames (Fig 10A); and a writing unit operable to write, whenever said generating means has generated a predetermined number of pieces of entry information, the audio frames having been generated, onto the semiconductor memory card as one audio object together with management information (page 37, lines 14-16), wherein the management information includes attribute information, and wherein the attribute information shows that a corresponding audio object is (a) an entire audio track, (b) a first part of an audio track, (c) a middle part of an audio track, or (d) an end part of an audio track (pages 37-52).

Kihara et al are silent in expressly disclosing each piece of management information includes a time search map wherein each time search map includes a plurality of pieces of entry information showing internal positions within a corresponding audio object at predetermined intervals. Ando et al teach each piece of management information includes a time search map (column 5, lines 1-25) wherein each time search map includes a plurality of pieces of entry information showing internal positions within a corresponding audio object at predetermined intervals (column 5, lines 1-25 and column 8, lines 43-65). Ando et al teach that the audio files are addressable via a time interval

and not just via audio segments. This allows the user to input or select where in the audio track he/she wants to play from. This feature would be advantageous to Kihara et al's system in which audio that is to be previewed before purchasing because the user could then specify what time interval of the audio song he/she wishes to hear. In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching Ando et al of within the system of Kihara et al because it would provide a more flexible previewing of audio material.

As per claim 24, Kihara et al teach a playback method for playing back data from a semiconductor memory card, the semiconductor memory card having recorded thereon a plurality of audio objects composing an audio track in one-to-one relation with a plurality of pieces of management information (page 35, lines 1-15), said playback method comprising: reading, from the semiconductor memory card into a memory, management information corresponding to one audio object (Figure 1, element 40); playing back the audio object according to standard playback or intermittent playback; and controlling (page 3, lines 1-10), when playback of the audio object has finished, said reading to read into the memory, a piece of management information of an audio object to be played back next (page 16), wherein each piece of management information includes attribute information, wherein attribute information shows that a corresponding audio object is (a) an entire audio track, (b) a first part of an audio track, (c) a middle part of an audio track, or (d) an end part of an audio track, and wherein when playing back the audio data according to intermittent playback that is a mode

where (i) playback the audio data for a first period and (ii) skipping the audio data for a second period, are repeated, said playing back specifies an address of an internal position from which playback after a skip is to start, with reference to the time search map having read into the memory (page 3, lien 1-10).

Kihara et al are silent in expressly disclosing each piece of management information includes a time search map wherein each time search map includes a plurality of pieces of entry information showing internal positions within a corresponding audio object at predetermined intervals. Ando et al teach each piece of management information includes a time search map (column 5, lines 1-25) wherein each time search map includes a plurality of pieces of entry information showing internal positions within a corresponding audio object at predetermined intervals (column 5, lines 1-25 and column 8, lines 43-65). Ando et al teach that the audio files are addressable via a time interval and not just via audio segments. This allows the user to input or select where in the audio track he/she wants to play from. This feature would be advantageous to Kihara et al's system in which audio that is to be previewed before purchasing because the user could then specify what time interval of the audio song he/she wishes to hear. In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching Ando et al of within the system of Kihara et al because it would provide a more flexible previewing of audio material.

As per claim 25, Kihara et al teach a recording method for recording data onto a semiconductor memory card, said recording method comprising: successively encoding

an input signal received from an external source to generate audio frames (Figure 1, element 12); generating, whenever said successively encoding has generated a predetermined number of audio frames (Fig 10A), a piece of entry information showing a start position of the successively generated audio frames; and writing, whenever said generating has generated a predetermined number of pieces of entry information, the audio frames having been generated, onto the semiconductor memory card as one audio object together with management information (page 37, liens 14-16), wherein the management information includes attribute information, and wherein the attribute information shows that a corresponding audio object is (a) an entire audio track, (b) a first part of an audio track, (c) a middle part of an audio track, or (d) an end part of an audio track (pages 37-52).

Kihara et al are silent in expressly disclosing each piece of management information includes a time search map wherein each time search map includes a plurality of pieces of entry information showing internal positions within a corresponding audio object at predetermined intervals. Ando et al teach each piece of management information includes a time search map (column 5, lines 1-25) wherein each time search map includes a plurality of pieces of entry information showing internal positions within a corresponding audio object at predetermined intervals (column 5, lines 1-25 and column 8, lines 43-65). Ando et al teach that the audio files are addressable via a time interval and not just via audio segments. This allows the user to input or select where in the audio track he/she wants to play from. This feature would be advantageous to Kihara et al's system in which audio that is to be previewed before purchasing because the user

could then specify what time interval of the audio song he/she wishes to hear. In view of this, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching Ando et al of within the system of Kihara et al because it would provide a more flexible previewing of audio material.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R Vaughan whose telephone number is 703-305-0354. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MV
Michael R Vaughan
Examiner
Art Unit 2131


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